

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1132 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/07/2004 in WP NO : 7762 OF 2004 on the file of the High Court.)

Between:

A.P.Genco rep.by its General Manager (Adm.) Vidyut Soudha, Khariatabad,
Hyderabad

..... APPELLANT

AND

1 The Asst.Director, Employees' State Insurance Corporation, Padmanabha
Buildings, II Floor,14-20-27, Gandhinagar, Vijayawada-3

2 The Joint Director, Employees' State Insurance Corporation, Padmanabha
Buildings, II Floor,14-20-27, Gandhinagar, Vijayawada-3

3 The Regional Director, State Insurance Corporation, Regional Office, 6-9-23, Hill
Fort Road, Hyderabad-63

.....RESPONDENT(S)

**Counsel for the Appellant:SMT.K.SESHARAJYAM, Advocate & SLA to AP
GENCO.**

Counsel for the Respondent No.: MRP.RAJASEKHAR, Advocate.

The Court made the following :

JUDGMENT : (Per Sri Bilal Nazki, J).

Appeal is against the judgment of a learned Single Judge of this Court, dismissing the Writ Petition challenging the order passed by Assistant Director of Employees State Insurance Corporation-1st respondent. The learned Single Judge was of the view that the questions raised before the Court can be better gone into by the appellate authority as appeal is provided under the Act. The learned Counsel appearing for appellant however submits that they had made several requests before the authority to summon the contractors, which were not conceded to and in that view of the matter, they got prejudiced therefore, they should be heard in the Writ Petition. This is again a matter, which can be agitated before the appellate authority. The learned Counsel for appellant referred to an unreported judgment of the Supreme Court in *Food Corporation of India Vs. The Provident Fund Commissioner & others*, according to which the appellate authority is not debarred from considering the questions involving law or facts.

In these circumstances, we do not find any merit in this appeal, which is accordingly dismissed. No costs.

(BILAL NAZKI, J)

2nd August, 2004.

(S.ANANDA REDDY, J)

ajr.

To

- 1 The Asst.Director, Employees' State Insurance Corporation, Padmanabha Buildings, II Floor,14-20-27, Gandhinagar, Vijayawada-3
- 2 The Joint Director, Employees' State Insurance Corporation, Padmanabha Buildings, II Floor,14-20-27, Gandhinagar, Vijayawada-3
- 3 The Regional Director, State Insurance Corporation, Regional Office, 6-9-23, Hill Fort Road, Hyderabad-63
- 4 Two C.D. copies.